



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR DECEMBER 11, 2018**

The written minutes are a summary of the December 11, 2018 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

ATTENDANCE

Shirley A. Yannich, Chair; Fred R. Gaines, Vice Chair; Carol T. Baker, Member; Eileen Albillar, Member and Ruth L. Schemm, Member.

Staff present was Barry P. Lubber, Township Manager; Terry W. Clemons, Esq., Clemons Richter and Reiss, Township Solicitor; Thomas Zarko, P.E., CKS Engineers, Township Engineer and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Ms. Yannich called the meeting to order at 7:03 P.M. Ms. Yannich welcomed the residents who came to the meeting and also the people watching the meeting live.

PLEDGE OF ALLEGIANCE

Ms. Yannich followed the Call to Order with a pledge to the flag.

EXECUTIVE SESSION REPORT

Ms. Yannich stated an executive session was not held.

RECOGNITION OF STATE SENATOR STEWART J. GREENLEAF

The Board of Supervisors recognized State Senator Stewart J. Greenleaf for serving the residents of Warrington Township for over forty years and presented the Senator with Proclamation Resolution No. 2018-R-77.

PRESENTATION OF BUCKS COUNTY RECORDER OF DEEDS ADOPT-A-BOOK PROGRAM.

Bucks County Recorder of Deeds officer, Robin Robinson spoke about the County's new "Adopt-A-Book" program. The program is to preserve over seven hundred books which reflect the history of Bucks County. Ms. Robinson needs assistance from the residents of Bucks County through donations.

Ms. Yannich thanked Ms. Robinson for her presentation and requested the Board to consider a donation at a future Board meeting.

RECOGNITION OF CHIEF WARRANT OFFICER FOUR (CW4) JOSEPH R. SCARPILL, U.S. ARMY

Ms. Yannich presented background information on CW4 Joseph R. Scarpill and read Proclamation Resolution 2018-R-92 recognizing and honoring Mr. Scarpill for twenty seven years of service to our country.

Mrs. Maryann Scarpill spoke about her son's accomplishments.

State Representative Todd Polinchock spoke and presented Mr. and Mrs. Joseph Scarpill with a Resolution.

The Board of Supervisors expressed their appreciation and thanks to CW4 Joseph R. Scarpill, U.S. Army for his valuable service to the United States of America.

RECOGNITION OF 2018 BOARD/COMMITTEE/COMMISSION/COUNCIL VOLUNTEERS WHO HAVE RESIGNED IN 2018.

Ms. Yannich stated this is the first year recognition has been presented to the volunteers who have served Warrington Township during 2018 and have elected not to continue another term with their respective committee. A Proclamation Resolution was prepared for each of the following volunteers:

- Proclamation Resolution 2018-R-79 recognizing Bike and Hike Trails Committee Volunteer Gerald Sapers.
Mr. Sapers was present to receive the Proclamation Resolution and thanked the Board of Supervisors for their support.
- Proclamation Resolution 2018-R-80 recognizing Bike and Hike Trails Committee Volunteer Bernadette Marron.
- Proclamation Resolution 2018-R-81 recognizing Bike and Hike Trails Committee Volunteer Ira Meyers.
- Proclamation Resolution 2018-R-82 recognizing Building Code Appeals Board Volunteer Michael Silberman.
- Proclamation Resolution 2018-R-83 recognizing Environmental Advisory Council Volunteer Eric Thompson.
- Proclamation Resolution 2018-R-84 recognizing Open Space and Land Preservation Committee Volunteer Ruth L. Schemm.
- Proclamation Resolution 2018-R-85 recognizing Park and Recreation Board Volunteer Ruth L. Schemm.
- Proclamation Resolution 2018-R-86 recognizing Park and Recreation Board Volunteer Ted Piotrowicz.
- Proclamation Resolution 2018-R-87 recognizing Park and Recreation Board Volunteer Rick Weiss.
- Proclamation Resolution 2018-R-88 recognizing Zoning Hearing Board Volunteer Thomas Watkins.

PRESENTATION OF LIABILITY INSURANCE OPTIONS

Mr. Luber stated Warrington Township is currently a member of Delaware Valley Insurance Trusts' (DVIT) Health and Workers Compensation Insurance. By adding Property and Liability Insurance to DVIT, the township would receive additional premium discounts which would benefit the township and save taxpayer money.

Present were Robert G. Solarz, Executive Director of DVIT; Carol Bigham, Director of Member Services for DVIT and James C. Thompson, ARM, Senior Consultant, Insurance Buyers' Council, Inc.

Staff recommends to the Board of Supervisors to add property and liability insurance to the township's current coverage with DVIT.

Mr. Gaines motioned, seconded by Ms. Baker to authorize the advertisement of an "Ordinance authorizing the participation of Warrington Township in the Delaware Valley Property and Liability Trust for the purpose of pooling liability risks with other trust participants in accordance with the Pennsylvania political subdivision tort claims act and the Pennsylvania intergovernmental cooperation law". All were in favor 5-0.

UPDATE AND DISCUSSION OF THE PROPOSED POLICE BUILDING.

Mr. Zarko, Chair of the Ad Hoc Police Building Design Committee stated a meeting with the consultant management firm and township staff discussed the scope of work for the project. Also discussed was the bidding schedule to bid out the site in advance of the construction.

PRESENTATION BY PENSION ADVISORY BOARD

Pension Advisory Board members, Joe Kirby and Vince Formica made a recommendation to add a new investment type to the Police Pension Plan. The Pension Advisory Board suggested adding "Defensive Equity" as a new asset class.

Ms. Albillar motioned, seconded by Ms. Baker to approve the new asset class and allocation to the Police Pension Plan. By roll call vote, the motion passed 5-0.

PUBLIC COMMENT:

Dr. Connie Ace (1067 Folly Road) requested an update on the Road Ordinance and truck restriction signs.

Mr. Clemons stated videos were submitted for review and an engineering report justifying the township's Ordinance will be provided to the Courts for a hearing. Mr. Clemons further stated the lawsuit will have to be resolved before signs are addressed.

PUBLIC HEARING: Consider Conditional Use Application for 1800 Street Road Realty, LLC, TMP # 50-035-025.

Present for the hearing were Matthew J. McHugh, Attorney for the applicant and William Nolan, owner of 1800 street Road Realty, LLC.

Mr. Clemons acknowledged the advertisement of the conditional use application and presented the following exhibits:

- T1 – Application for Conditional Use was submitted on October 24, 2018.
- T2- Public Notice advertised November 26 and December 3, 2018.
- T3 – November 13, 2018 letter to Mr. McHugh confirming hearing date.
- T4 – November 27, 2018 Affidavit of Mailing.
- T5 – November 27, 2018 Affidavit of Posting.

Mr. Clemons stated the hearing is a quasi-judicial hearing recorded by a Court Stenographer.

Mr. Clemons stated the conditional use hearing is for the approval to post three directional signs that exceed four square feet in sign area within the Planned Residential Development District (PRD) located at Street Road and Costner Drive, owned by 1800 Street Road Realty, LLC.

Mr. Clemons stated another hearing will take place on December 17, 2018 at the Zoning Hearing Board with involves variance requests for other signs.

Mr. Clemons noted there were no Parties of Record.

Mr. McHugh submitted two exhibits:

- A1 – Site Plan
- A2 – Property rendering of directional signs

Mr. McHugh gave background and summary of the self-storage building. Mr. McHugh stated conditional use approval is required from the Board of Supervisors in order to obtain variance approval by the Zoning Hearing Board.

Mr. McHugh stated the Warrington Township Planning Commission recommended approval at their December 6, 2018 meeting.

Mr. Gaines quoted the draft meeting minutes from the December 6th Planning Commission that Ted Cicci motioned to approve the conditional use application and that the motion passed 7-0.

Mr. Gaines motioned, seconded by Ms. Schemm to approve the Conditional Use application for three directional signs for 1800 Street Road Realty, LLC, TMP # 50-035-025. All were in favor 5-0.

Mr. Clemons stated the Board of Supervisors does not need to take a position on the Zoning Hearing Board application.

1. APPROVAL OF BILL LIST:

a. Invoices for the Period November 28, 2018 to December 11, 2018 in the amount of \$3,014,493.77.

Mr. Gaines motioned, seconded by Ms. Schemm to approve the invoices paid for the period November 28, 2018 to December 11, 2018 in the amount of \$3,014,493.77. All were in favor 5-0.

Ms. Albillar questioned the solicitor expense for the Willow Knoll HOA; lost checks and outfitting of a new motorcycle.

Mr. Clemons reported his firm provides legal services at no cost to the Township for the Willow Knoll HOA and that the \$200+ cost was for incidentals.

2. CONSENT ITEMS:

Ms. Yannich read each consent item and asked if any clarification was needed for the consent items as presented. (Attachment "A")

Ms. Baker questioned Consent Item 2f.

Mr. Gaines moved, seconded by Ms. Schemm to approve Consent Items A through G. All were in favor 5-0.

a. November 13, 2018 to Approve Budget Work Session meeting.

b. November 13, 2018 to Approve Minutes for Board of Supervisors meeting.

c. November 27, 2018 to Post Minutes from Budget Work Session meeting.

d. Consider appointment of Elizabeth Illg (effective becoming a Township resident) and Patrice Tisdale to the Park and Recreation Board.

e. Consider revisions to Employee Handbook – Workplace Safety.

f. Consider authorization to advertise Inter-Municipal Ordinance for Animal Control.

Ms. Baker asked if there was any obligation from the animal owner to reimburse the Township for animal control expenses and the licensing of the animal.

Mr. Luber stated Warminster Township charges kennel fees. Licensing for animals is applied for through the County of Bucks.

Ms. Baker questioned if the Ordinance states that the owner has to pay a fine.

Mr. Luber will check with Warminster Township to obtain the number of calls relating to dogs.

- g. **Consider Resolution for Inter-Municipal License Application for PATS SELECT of Warrington, LLC located at 865 Easton Road, TMP # 50-010-125.**

3. CORRESPONDENCE:

- a. **Naloxone Day scheduled December 13, 2018**

Ms. Yannich reported on December 13, 2018 free naloxone will be provided at three different locations within Bucks County.

4. OLD BUSINESS:

- a. **Consider adoption of 2019 Budget (advertised November 22, 2018)**

Ms. Yannich complimented the Finance Department for presenting a budget that was easy to read.

Personnel changes were listed. One of the changes was the need for another full-time firefighter. All were in agreement to hire another full-time firefighter.

Consideration to have a homestead rebate in 2020 was discussed. A township cannot implement a homestead rebate the same year that it increases taxes.

Ms. Schemm requested the swim club be part of the planning process for 2019 and set a limit of expenses. Mr. Gaines requested a code be established on the employees' time sheet to show the amount of time being spent at the swim club.

Mr. Gaines requested to publish a pay by performance program. At the end of each six months, each employee should be evaluated. Mr. Luber stated the Human Resources Manager is working on this task.

Mr. Gaines motioned, seconded by Ms. Albillar to adopt the 2019 Budget by increasing the millage to 1.25 and drawdown the \$220,000 rate stabilization fund from DVIT.

Ms. Baker amended the motion to increase the township millage to 1.83 and not draw down the \$220,000 DVIT funds. The motion was seconded by Ms. Yannich.

A resident asked if the increased in the water and sewer bill was in addition to the property tax. Mr. Luber answered yes.

A roll call vote was taken to amend the first motion by increasing the township millage to 1.83 and eliminate the drawdown of \$220,000 from the DVIT funds. By roll call vote, all voted yes with Ms. Schemm voting no. The motion passed 4-1.

- b. **Consider adoption of an amendment to Zoning Ordinance #85-2 to add Section 2327 Fireworks (advertised November 30 and December 6, 2018).**

Mr. Gaines motioned, seconded by Ms. Baker to adopt an amendment to Zoning Ordinance # 85-2 to add Section 2327 Fireworks. All were in favor 5-0.

- c. **Consider adoption to amend Chapter 6 Conduct Regulations by adding Part 5 – Regulation of Fireworks (advertised December 6, 2018).**

Ms. Schemm motioned, seconded by Mr. Gaines to adopt an amendment to Chapter 6 Conduct Regulations by adding Part 5 – Regulation of Fireworks. All were in favor 5-0.

- d. **Consider adoption to amend Chapter 13 License, Permits and General Business Regulations by adding Part 6 – Permits for Consumer Fireworks Sold in Temporary Structures and for Display Fireworks (advertised December 6, 2018).**

Mr. Clemons recommended to the Board not to act on this amendment due to a recent court decision declaring temporary structures as unconstitutional. Therefore, no action is needed.

- e. **Consider approval of Resolution for Oak Creek Development Drawdown PNC Financial Security.**

Mr. Clemons stated the Cutler Group has filed for bankruptcy. Therefore, no action is needed.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- a. **Consider request to reduce the number of benches at Warrington Pointe.**

Ashlee Biondo and Katerina Simonetta, members of the Executive Board at Warrington Pointe requested permission from the Board of Supervisors to remove three benches not visible to the road and located at the back parking lot. The intent to remove these benches is to stop loitering and keep the area safer.

Mr. Zarko stated he researched the Ordinance and the bench location is discretionary. Mr. Zarko stated the developer has given permission to remove these benches.

Mr. Gaines motioned, seconded by Ms. Albillar to remove the three benches subject to a copy of the approval from the developer and at no cost to the Township. All were in favor 5-0.

- b. **Consider support for DVRPC Regional Trails Program – Phase VII Grant Application.**

A letter from the Board of Supervisors and the Bike and Hike Trails Committee will be sent to the Delaware Valley Regional Planning Commission stating support for the Township to construct a trail on the west side of Stump Road and run along the western edge of Pickertown Road to Billingsley Drive. This proposed trail will be part of the Phase VII Grant application.

Mr. Gaines motioned, seconded by Ms. Schemm to support DVRPC Regional Trails Program – Phase VII Grant Application. All were in favor 5-0.

- c. **Consider approval of agreement with Natural Lands Trust for baseline (\$3,000) report and endowment (\$15,000) for easement (Mill Creek property).**

Ms. Schemm motioned, seconded by Ms. Baker to approve the agreement with Natural Lands Trust for a baseline report (\$3,000) and endowment (\$15,000) for an easement for the Mill Creek property. All were in favor 5-0.

- d. **Consider recommendation for bid award for Hauling and Disposal of Wastewater Treatment Plant Sludge Generated at Tradesville Wastewater Treatment Plant.**

Mr. Zarko explained the three bids submitted and explained the options.

Mr. Zarko recommended awarding the bid to the lowest bidder, Franc Environmental and entering into a five (5) year contract with Franc Environmental.

Mr. Gaines motioned, seconded by Ms. Albillar to grant the bid award to Franc Environmental for a five (5) year contract. All were in favor 5-0.

e. **Consider appointment of Appraisal Review Associates to review Yellow Book Appraisals for DCNR Grant.**

Ms. Yannich reported that the Township is required to obtain a “Yellow Book” appraisal to support the grant application to DCNR for half of the Mill Creek properties acquisition costs. The appraisal was performed by Snyder Appraisal Associates for a flat fee of \$1850.00.

Mr. Gaines motioned, seconded by Ms. Schemm to appoint Appraisal Review Associates to review “Yellow Book” appraisals for the DCNR Grant. All were in favor 5-0.

f. **Consider BCATO 2019 Scholarship Application and the 2019 Internship Requirements.**

Mr. Gaines stated the Township currently has an intern and not sure if the Township is eligible for a second intern granted under BCATO 2019 Scholarship program.

Mr. Gaines would like an intern to develop a management plan for the new open space parcel at Mill Creek.

Ms. Schemm motioned, seconded by Mr. Gaines to authorize staff to pursue obtaining a second intern for Warrington Township. All were in favor 5-0.

g. **Consider cancellation of December 18, 2018 Board of Supervisors meeting.**

Ms. Yannich asked the Board if they wanted to cancel the December 18, 2018 Board of Supervisors meeting.

Ms. Baker motioned, seconded by Mr. Albillar to cancel the December 18, 2018 Board of Supervisors meeting. All were in favor 5-0.

6. MANAGER’S REPORT:

a. **2018 Water and Sewer Department Bills.**

Mr. Lubber noted there were no questions from the public.

b. **Free Electronics Recycling Event.**

Mr. Lubber stated a free electronics recycling event is scheduled for Saturday, January 5, 2019 from 9:00 am to 1:00 pm at Falls Township Community Park, Levittown. This event will be placed on the website.

7. DEDICATION REQUEST: None.

8. ENGINEER'S REPORT:

- a. **General Update:** None.

9. SOLICITOR'S REPORT:

- a. **Consider authorization to advertise an amendment to the Pension Ordinance.**

Mr. Clemons explained the Pension Ordinance to amend Chapter 1, Part 7 Articles B and C of the Township's Code of Ordinances to amend the non-uniformed employee pension plan and the non-uniformed defined contribution pension.

Ms. Albillar questioned one percent or two percent effective January 1, 2019 relating to the employee contribution.

Ms. Albillar motioned, seconded by Mr. Gaines to authorize advertisement to amend the Pension Ordinance. All were in favor 5-0.

- b. **Upcoming Zoning Hearing Board Applications.**

Mr. Clemons noted the following applications for the Zoning Hearing Board and suggested the Board of Supervisors do not need to take a position.

- WT 18-26, 1800 Street Road Realty, LLC – variances for signage.
- WT 18-27, Conly, 2233 Patty Lane – variance for excess impervious cover for swimming pool installation.

- c. **Consider approval of Mill Creek Conservation Easement.**

Mr. Clemons explained the conservation easement for the Mill Creek properties located at Lower State and Pickertown Roads, consisting of 67.8118 acres and also the protections for the Township. This Conservation Easement will be presented at the December 20, 2018 settlement to obtain signatures from the County of Bucks, Natural Lands Trust and Warrington Township.

Ms. Baker questioned if this parcel was investigated for a toxic site.

Mr. Clemons stated Phase 1 was completed and prior use of the parcel was investigated.

Mr. Gaines motioned, seconded by Ms. Schemm to approve the Mill Creek Conservation Easement. All were in favor 5-0.

- d. **Update on PFOS litigation.**

Mr. Clemons reported that a final decision has to be made by the Judge.

- e. **December 20, 2018 Settlement.**

Mr. Clemons reported that settlement on the Mill Creek properties will take place on December 20, 2018.

f. Victory Gardens

The judge reached a favorable decision relating to the Victory Gardens case.

SUPERVISOR COMMENTS:

Ms. Yannich announced the following meeting dates:

- Board of Supervisors Organization Meeting scheduled for Monday, January 7, 2019.
- Auditors Meeting scheduled for Tuesday, January 8, 2019.
- Board of Supervisors Meeting scheduled for Tuesday, January 8, 2019.

Ms. Yannich reported the Township's Holiday Luncheon has been scheduled for December 14th and will take place at Giuseppe's Restaurant. The luncheon is funded by Keystone Municipal Services.

Ms. Yannich stated the settlement for the Mill Creek properties is scheduled for December 20, 2018.

Ms. Yannich stated the Conditional Use Morrissey deadline is January 22, 2019.

Mr. Gaines suggested obtaining support from BCATO and then to PSATS to institute a mercantile business tax. Also, solicit the new State Representative and State Senator for their support.

Mr. Gaines reported that communities can claim reimbursement from 2017 forward relating to opioids.

Mr. Gaines stated he met with the Township Street Lighting consultant and some intersections within the Township should have a street light. Mr. Gaines suggested adding more street lights to the intersection of 611 and Street Road.

Mr. Gaines reported that the Environmental Advisory Council in conjunction with surrounding communities passed a Resolution for migrant birds.

Mr. Gaines would like the Township to join the Arbor Day Foundation and establish a tree committee.

Ms. Schemm requested that the Environmental Advisory Council revise a letter to the residents regarding stormwater basins.

Ms. Schemm reported on new signage created by Open Space and Land Preservation Committee member, Kathy Newcomb for the Township's Open Space.

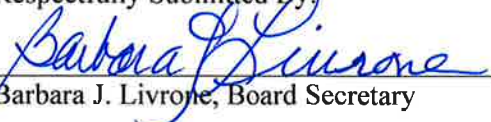
Ms. Baker reported that the Park and Recreation Board are exploring a vision to expand usage of the pool and tennis courts at the Mary Barness Tennis and Swim Club.

Ms. Baker stated the Historic Commission was given a record book from the 1800's. The teacher's platform at the Old Schoolhouse has been refurbished. The Historic Commission also visited the Fourth Grade Class at St. Joseph's.

ADJOURNMENT

There being no further business, Mr. Gaines moved, seconded by Mr. Gaines to adjourn the meeting at 10:45 PM.

Respectfully Submitted By:


Barbara J. Livrone, Board Secretary

ATTACHMENT "A"

Consent Agenda – December 11, 2018

Attached to the agenda and on the Township's website is a supplement to the agenda which contains a heading and brief description for each item listed under the Consent agenda. As in the past, any Board member can ask to remove an item from consent and have it discussed independently.

- a. **November 13, 2018 to Approve Budget Work Session meeting.**
- b. **November 13, 2018 to Approve Minutes for Board of Supervisors meeting.**
- c. **November 27, 2018 to Approve Minutes for Board of Supervisors meeting.**
- d. **Consider appointment of Elizabeth Illg (effective becoming a Township resident) and Patrice Tisdale to the Park and Recreation Board.**

Currently, there are two (2) vacancies on the Park and Recreation Board. Former member Ted Piotrowicz is not continuing his term which expires 12/31/18.

- e. **Consider revisions to the Employee Handbook – Workplace Safety.**

This is to revise another section of the employee handbook in regards to workplace safety.

- f. **Consider authorization to advertise Inter-Municipal Ordinance for Animal Control.**

This agreement allows for Warminster Township to provide animal control for Warrington.

- g. **Consider Resolution for Inter-Municipal License Application for PATS SELECT of Warrington, LLC located at 865 Easton Road, TMP # 50-010-125.**

This approval allows for the transfer of a Liquor License to 865 Easton Road. This will be for a restaurant, Pat's Select, located where Bertucci's used to be.

I would now ask for a motion to approve items **A through G** on the Consent agenda.